REMARKS

The instant remarks are filed in response to the official action dated May 4, 2004. Reconsideration is respectfully requested.

The status of the claims is as follows.

Claims 1-21 are pending in the application.

Claims 1-21 stand rejected.

The Examiner has rejected claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Ben-Dor et al. (USP App. No. 2002/0141418 A1). Specifically, the official action indicates that the Ben-Dor reference discloses a method and system for network tunneling over a network with feature limitations substantially similar to the claimed invention, with the exception that Ben-Dor et al. do not expressly disclose images of executable network node, as claimed. The Applicants respectfully submit, however, that the official action fails to establish a *prima facie* case of obviousness, and therefore the rejections of claims 1-21 are improper and should be withdrawn.

It is well settled that a *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Because the Ben-Dor reference neither

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teaches nor suggests the claimed subject matter, and because the Ben-Dor reference itself fails to teach any desirability of modifying the reference as suggested in the official action, the rejection of claims 1-21 cannot be sustained.

Specifically, the Applicants' claimed system and method solve the problem of supporting the testing of large numbers of complex networking devices using code that is not modified from the form in which it would be used within actual networking devices (see page 3, lines 14-18, of the application). To that end, the Applicants' claimed system comprises a network emulator that employs a number of network node executable images, each image corresponding to an emulated networking device representing a physical networking device such as an optical switch. Further, each network node executable image includes code that is operable to execute without modification on the physical networking device (see page 3, line 24, to page 4, line 1, of the application).

In contrast, the Ben-Dor reference addresses the problem of providing a way for hosts and devices on a network to access devices on local buses from remote locations, while preserving as much as possible the dynamic properties of being locally attached (see paragraph [0003] of Ben-Dor et al.). To that end, Ben-Dor et al. disclose tunneling physical bus events, such as bus

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transactions and requests, for buses such as, *e.g.*, IEEE-1394 serial bus and USB. The tunneling transports bus events that would normally occur on the sending node and recreates the bus events on a remotely located receiving node (see paragraph [0050] of Ben-Dor et *al.*).

The Applicants respectfully submit that the problem solved by the Applicants' claimed system and method, which relates to testing and validation of computer network equipment and software, is significantly different from the problem addressed in the Ben-Dor reference, which relates to the tunneling of information between devices on a local area network (LAN) and devices on local buses such as IEEE-1394 and USB buses (see paragraph [0001] of Ben-Dor et *al.*). Because the nature of the problems addressed by the Applicants and Ben-Dor et *al.* are significantly different, the teachings of Ben-Dor et *al.* would not have motivated one of ordinary skill in the art to modify the Ben-Dor system to obtain the Applicants claimed system and method. Accordingly, the Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and therefore the rejections of claims 1-21 are unwarranted and should be withdrawn.

Even if a *prima facie* case of obviousness were established, the suggested modification of the system disclosed in the Ben-Dor

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reference still would not render claims 1-21 obvious. Specifically, the official action indicates that as per claim 1, Ben-Dor discloses a method and system for network tunneling over a network. The Applicants respectfully point out, however, that claim 1 does not recite either a method or a system for network tunneling over a network, but instead recites *a network emulator for providing an emulated network*. As explained above, the Ben-Dor system relates to the tunneling of information between devices on a LAN and devices on local buses – the Ben-Dor reference has nothing to do with systems for testing and validating computer network equipment and software, much less *a network emulator* comprising a plurality of network node executable images, each image including executable code operable to execute without modification on a physical networking device corresponding to one of a plurality of emulated networking devices, as recited in claim 1.

Although paragraph [0062] of the Ben-Dor reference discloses a remote peripheral server (RPS) capable of emulating an IP based networking device to a network host, and of emulating an IEEE-1394 initiator (device) to an IEEE-1394 peripheral device, *the RPS is not a network emulator*, as described and claimed in the instant application. Further, *the RPS does not emulate the IP based*

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networking device and/or the IEEE-1394 initiator (device) for

purposes of testing and validating the devices, as disclosed in

the instant application, but instead merely emulates the devices

for purposes of providing a connectivity bridge between a network

and a local bus.

Because of these deficiencies in the teachings of Ben-Dor et

al., the Ben-Dor reference cannot render base claim 1 and the

claims dependent therefrom obvious. Further, because claim 12 is

the method analog of claim 1, the Ben-Dor reference also cannot

render base claim 12 and the claims dependent therefrom obvious.

Moreover, the cited Liu reference (USP 6,134,514) fails to cure

the deficiencies of the Ben-Dor reference. The Applicants

therefore respectfully submit that the rejections of claims 1-21

under 35 U.S.C. 103(a) are improper and should be withdrawn.

In view of the foregoing, it is respectfully submitted that

the present application is in a condition for allowance. Early

and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned

Attorney to discuss any matter that would expedite allowance of

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the present application.

Respectfully submitted,

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